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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/288,967 04/09/99 KRASLAVSKY

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EXAMINER

CHANG, J	
ART UNIT	PAPER NUMBER

2154
DATE MAILED: 11/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TR

Office Action Summary

Application No.

09/288,967

Applicant(s)

KRASLAVSKY, ANDREW J.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. Claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The claim language in the following claims is not clearly understood:
 - i. as to claim 8, lines 17-18, it is not clearly understood what is meant by “between a second device on the local area network” (i.e. between first and second devices on the local area network?)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admission of prior art (AAPA) in view of Shintani et al. (US 5,875,034).

6. As to claim 1, AAPA disclose the invention substantially as claimed, including a method for negotiating an exchange of image processing functionality between first and second devices over a bi-directional communication link (specification, page 1, lines 21-22; page 2, lines 1-16), comprising the steps of:

exchange device class modules between the first and second devices (specification, page 2, lines 36-37; page 3, lines 1-9);

exchange function code descriptions between the first and second devices, the function code descriptions including information concerning functionality respectively available in the first and second devices, together with information concerning whether such functionality is exportable to other devices (specification, page 3, lines 9-16);

negotiating an assignment of image processing functionality between the first and second devices, with the overall image processing functionality effecting an efficient image transfer between the first and second devices (specification, page 3, lines 16-24); and

exchange image processing functionality between the first and second devices in a case where the negotiated image processing functionality indicates that functionality in one of the first and second devices is needed by the other of the first and second devices (specification, page 2, lines 29-35).

7. AAPA does not specifically disclose the device class modules including information concerning relative processing power of the first and second devices.

8. However, Shintani et al. disclose the device class modules including information concerning relative processing power of the first and second devices (E1, E3, fig. 2A; col. 9, lines 15-17 and 20-22).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Shintani et al. because Shintani et al.'s information of the processing power of the two devices would improve the efficiency of AAPA's system by performing high-speed data transfer between the two devices.

10. As to claims 3-4, AAPA discloses determining alternative processing sequences for image data transfer (specification, page 3, lines 8-9); applying a cost function to each alternative (specification, page 3, lines 9-13); and selecting the alternative with the lowest cost function (specification, page 3, lines 14-16).

11. As to claim 8, AAPA discloses a network interface card for interfacing between an image processing peripheral and a local area network, the network interface card including: a network protocol stack for interfacing between the local area network and the network interface card, and device specific application layer receiving network communications directed to the peripheral device from the protocol stack (specification, page 2, lines 6-23); a negotiation controller for negotiating (JetSend negotiation) an exchange of image processing functionality between a second device on the local area network (specification, page 2, lines 29-35).

12. As to claims 9-10, AAPA does not specifically disclose a storage medium for storing computer executable processing. However, Shintani et al. disclose a storage medium for storing computer executable processing (col. 24, lines 38-50; col. 30, lines 35-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of AAPA and Shintani et al. because Shintani et al.'s storage medium would provide for fast access to the data stored, thereby saving access time.

13. As to claims 2 and 5-7, they are rejected for the same reasons set forth in the rejection of claims 1, 3, 4 and 8-10 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Imamura et al., patent 6,297,872 B1, Suzuki et al., patent 6,298,164 B1, Omi, patent 5,600,445, Wegeng et al., patent 5,420,696, Sutherland et al., patent 6,167,442 disclose a method and system for image reading to read an image and image forming to print-process the image information of the image.

15. Any inquiry concerning this communication⁴ or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
October 31, 2001


ZARNI MAUNG
PRIMARY EXAMINER